

Attorney Docket No.: J3747(C)
Serial No.: 10/592,921
Filed: September 14, 2006
Confirmation No.: 6265

REMARKS

By this Amendment, applicants have amended claim 1 to recite that the surfactant system of the claimed compositions "consists of" rather than "consists essentially of" components (a), (b) and (c). This is to address the Examiner's comments at the paragraph bridging pages 7-8 of the Office Action that "consisting essentially of" language will be construed as "comprising" and thus may encompass anionic surfactant of Frantz. More specifically, the "consisting of" language clearly excludes surfactants other than those recited as components (a), (b) and (c).

Firstly, it is reiterated that the Frantz reference requires the presence of anionic surfactant. This is clear not only from claim 1, paragraph (a), for example (see page 15), but also from all the Examples. Table 3 represents the "base" system tested and includes both sodium trideceth sulfate (anionic surfactant) and sodium lauroamphoacetate (an amphoteric surfactant). At paragraph 0145, it is clearly stated that the cationic surfactant tested in each of Tables 4-10 was added to the above-noted base system.

By contrast, our invention relates to conditioner compositions in which it is clearly demonstrated that cationic of (a) (e.g., cetrimonium) in combination with cationic surfactant of (b) (e.g., dibehenyl imidazoline) and cationic surfactant of (c) (e.g., hydroxyl ethyl cetyltrimonium) is superior to composition having, for example, only components (a) and (b) (see page 26). Thus, it is the specific combination of surfactants which provides unexpected results.

Attorney Docket No.: J3747(C)
Serial No.: 10/592,921
Filed: September 14, 2006
Confirmation No.: 6265

In short, the compositions of the invention disclose a unique combination of cationic surfactants which provide unexpected benefits. Frantz requires the presence of at least anionic surfactant, which surfactant is excluded by the claims, as amended. Pereira, when combined with Frantz, would have the same deficiency.

In view of the amendments and remarks above, it is respectfully requested that the Examiner withdraw all rejections of the claims and that claims, as amended, be allowed.

If a telephone conversation would be of assistance in advancing prosecution of the subject application, applicants' undersigned agent invites the Examiner to telephone him at the number provided.

Respectfully submitted,

Ronald A. Koatz

Ronald A. Koatz
Registration No. 31,774
Attorney for Applicant(s)

RAK/pod
(201) 894-2912